
MEMO FROM KITTITAS COUNTY ASSESSOR'S OFFICE
MARSHA WEYAND, ASSESSOR

205 W 5th Ave • Suite 101, Courthouse • Ellensburg, WA 98926-2887
Phone (509) 962-7501 • Fax (509) 962-7666
Upper County Toll-Free 674-2584
www.co.kittitas.wa.us/assessor

DATE: 11/1/2011
TO: Jeff Watson, Planner II
FROM: Christy Garcia, Cadastral Tech II
RE: Current Use Open Space Land
Open Space Land Application: Ross Pearson

Attached is a new open space land application that came into our office on 10/26/11 for processing. The application has been reviewed for ownership, parcel numbers and legal description and no errors were found. The applicant described the area applied for under the legal description. The full legal of the parcel is:

Lot 4 of Yakima River Terrace Short Plat, as described on Kittitas County Short Plat No SP 95-18, recorded October 31, 1995, under Kittitas County Auditors File No. 586713 and filed in Volume E of Short Plat, pages 20 and 21, records of Kittitas County, State of Washington.

Thanks!

Christy



Kittitas County Office Of The Treasurer
Deanna Jo Panattoni, Treasurer
205 W 5th Avenue, Suite 102
Ellensburg, Wa 98926
Phone (509) 962-7535 Fax (509) 933-8212

Cash Receipts

Receipt Number: 2011-8090 Date: 10/26/2011

Received From: ROSS PEARSON - ASSESSOR - CHRISTIE

Check Amount: \$300.00

Cash Amount: \$0.00

Eft Amount: \$0.00

Total Amount: \$300.00

Deputy: JULIEC Receipt Type: CHK

Template:

Comments:

OPEN SPACE LAND APPLICATION - CSR - 2011-5155

<u>FundCode</u>	<u>GlCode</u>	<u>Description</u>	<u>Amount</u>
001	4634141040	CURRENT USE - OPEN SPACE	\$300.00
Total Amount:			\$300.00

Kittitas County Treasurer's Office

Submitted By: JULIE COPPOCK

18060 SE 313th Street
Auburn, WA 98092
253 631-9089
Oct 31, 2011

or

General Delivery
South Cle Elum, WA 98943
509 674-9733

Kittitas County Assessor
205 West Fifth
Ellensburg, WA 98926

Subject: Open Space Application for Parcel 10799

To Whom It May Concern,

Please find enclosed an Application for Classification as Open Space under Chapter 84.34 RCW. Most of my parcel is within the 100 year floodway or floodplain and as such is most suited for the open space classification. As you will see in my application, I am maintaining that area as natural although, I have planted more hardy grasses to reduce the erosion due to the past years flooding.

I live on the property whenever I have access which means whenever there is not snow denying access. My access includes a steep hill which no one will plow in the winter. That is why I have included two addresses and phone numbers above. Generally I am at the Cle Elum property from Apr-Nov and in Auburn from Dec-Mar. The best way to reach me if needed is via e-mail at woollybugger4@juno.com as I have that access at both places. Sorry, I do not have a mobile phone.

If you need more data, please contact me. The floodway/floodplain was surveyed in prior to my building the house and is available on my building permit which I can provide.

Thank you for your consideration.

Sincerely,



Ross R Pearson

woollybugger4@juno.com



Application for Classification or Reclassification as Open Space Land or Timber Land for Current Use Assessment under Chapter 84.34 RCW

File With The County Legislative Authority

Name of Applicant: Ross R Pearson Phone No: 253 631-9089
509 674-9733
 Address: 18060 SE 313th St, Auburn, WA 98092
 Property Location: 610 Yakima River Terrace Rd, Cle Elum, WA 98922

1. Interest in property: Fee owner Contract purchaser Other (Describe) _____

2. Assessor's Parcel or Account No.: 10799
 Legal description of land to be classified: All land within the 100 yr floodway/floodplain Area out of floodplain is semicircular with west boundary at 175 ft from SW corner. South boundary 300 ft from SW corner.

3. Land classification that is being sought: Open Space Timber Land

NOTE: A single application may be made for both **open space and timber land**, but a separate legal description must be furnished for each area that **classification is being sought**.

4. Total acres in application: 4.37

5. Open Space Classification Number of acres: 3.37

6. Indicate what category of open space this land will qualify for:

- Conserve and enhance natural or scenic resources
- Protect streams or water supply
- Promote conservation of soils, wetlands, beaches or tidal marshes
- Enhance public recreation opportunities
- Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
- Preserve historic sites
- Preserve visual quality along highway, road, and street corridors or scenic vistas
- Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonably required by granting authority
- Farm and agricultural conservation land as defined in RCW 84.34.020(8)

7. Timber Land Classification

Number of acres: _____

Definition: "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. "Timber land" means land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

A timber management plan shall be filed with the county legislative authority either (a) when an application for classification as timber land pursuant to this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter is received. The application for reclassification will be accepted but not processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied. If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

8. Submit a copy of your timber management plan with this application.

A timber management plan will include the following elements:

- a) a legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified or reclassified as timber land,
- b) date or dates of acquisition of the land,
- c) a brief description of timber, or if harvested, the owners plan for restocking,
- d) whether there is a forest management plan for the land,
- e) if so, the nature and extent of implementation of the plan,
- f) if land is used for grazing,
- g) whether the land has been subdivided or a plat filed with respect to the land,
- h) whether land and applicant are in compliance with restocking, forest management, fire protection, insect and disease control, etc.,
- i) whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610,
- j) whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber,
- k) a summary of past experience and activity of the applicant in growing and harvesting timber,
- l) a summary of current and continuing activity of the applicant in growing and harvesting timber,
- m) a statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land

9. Describe the present improvements on this property (buildings, etc.). House, wood shed, two smaller sheds

10. Is this land subject to a lease or agreement which permits any other use than its present use?

Yes No

If yes, attach a copy of the lease agreement.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land.

Open Space Land Means:

- (a) Any land area so designated by a comprehensive land use plan adopted by a city or county authority, or
- (b) Any land area, in which the preservation in its present use would:
 - (i) Conserve and enhance natural or scenic resources,
 - (ii) Protect streams or water supply,
 - (iii) Promote conservation of soils, wetlands, beaches or tidal marshes,
 - (iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,
 - (v) Enhance recreation opportunities,
 - (vi) Preserve historic sites,
 - (vii) Preserve visual quality along highway, road, and street corridor or scenic vistas, or
 - (viii) Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.
- (c) Or, any land meeting the definition of "farm and agricultural conservation land".

Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

- 1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
 - (a) The difference between the property tax paid as "Open Space Land" or "Timber Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
 - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.
 - (c) A penalty of 20% shall be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.
- 2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
 - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.

- (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
- (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
- (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
- (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
- (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(e) (farm homesite).
- (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
- (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
- (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
- (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
- (l) The discovery that the land was classified in error through no fault of the owner.

Affirmation

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Signatures of all Owner(s) or Contract Purchaser(s):

Ross R Pearson 10/24/2011 Connie M Pearson

All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: _____ By: _____
 Amount of processing fee collected: \$ _____ Transmitted to: _____ Date: _____

FOR GRANTING AUTHORITY USE ONLY

Date received: _____ By: _____
 Application approved Approved in part Denied Owner notified of denial on: _____
 Agreement executed on: _____ Mailed on: _____

For tax assistance, visit dor.wa.gov/content/taxes/property/default.aspx or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

Detail Description-Open Space Application Parcel 10799, Ross Pearson

The Categories listed below are submitted as being qualified under the Open Space Classification.

(i) **Conserve and enhance natural or scenic resources.** The 3.37 acres that is requested for open space consideration is entirely in the Yakima River 100 year floodway or floodplain and is best suited for conserving the natural vegetation both along the river and inland. This conservation provides habitat for the birds and wildlife. Because it is on the Yakima River across from Bullfrog Park, it provides both scenic beauty for park visitors and river users, fisherman and rafters.

The following figure shows the location of the parcel relative to surrounding landmarks. The line next to the house is the border of the floodway/floodplain. When Elk Meadows subdivision floods, water leaves the river bank at the west edge of the parcel labeled 051-0003 on the figure and makes its way just north of the parcel 10799 house and follows the floodplain border. This has happened five times since the house was built in 2006.



The property lines are not quite located correctly with respect to the topographical map as the road that runs along property 051-0003 is the south property line for both that property and parcel 10799.

Detail Description-Open Space Application Parcel 10799, Ross Pearson

(ii) **Protect streams or water supply.** Keeping the 750 feet of river bank in the natural vegetation state and not building in the open space enhances stream protection more than required by law. This added protection provides additional hiding space for the deer and elk. The following photos show the parcel vegetation from Bullfrog Park. Left looks upriver with the boat put in visible. The right photo looks downriver.



(iii) **Promote conservation of soils, wetland, beaches or tidal marshes.** Maintaining the 3.37 acres of trees, undergrowth and grasses in the floodway/floodplain helps conserve both the wetland from flood erosion as well as the soils. The vegetation consists of cottonwood trees, dogwood, vine maple, snowberry and ocean spray. Hearty grasses have been planted to prevent further erosion. Below the left photo is from the house and the right photo is the house from Bullfrog Park, Nov 2006.

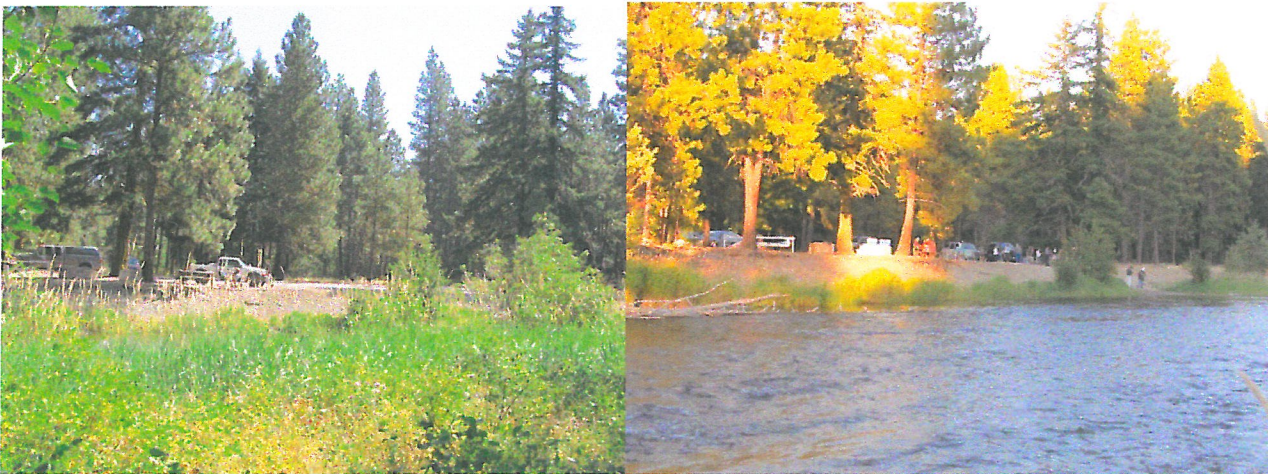


The left photo below shows the grasses after the Jan 2009 flooding. The right photo shows some of the groundwater that is present whenever there is water in the highline canal, May 15-Oct 15, or when the river level is above 400 cfs. There is standing water on the property generally from Mar through Nov and snow the remainder of the time.

Detail Description-Open Space Application Parcel 10799, Ross Pearson



(iv) **Enhance public recreation opportunities.** This proposed open space being right across the river from Bullfrog Park that is being kept in its natural state enhances the scenic beauty for all of the park visitors and especially the fishermen that wade the river enjoying the natural wilds. Photos of the park visitors taken from parcel 10799 follow.



(v) **Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.** As mentioned in "(iv)" above, this proposed open space is across the river from Bullfrog Park and also abuts a larger parcel that is designated timber land only adding more enhanced value to the public park visitors and river users, fishermen and rafters. The right photo in "(ii)" shows the abutting "timberland" downstream before the curve.

(vii) **Preserve visual quality along highway, road, and street corridors or scenic vistas.** This proposed open space would preserve the scenic beauty along the Yakima River which is available to fishermen and rafters that use the waterway as well as the Bullfrog Park users.